

REMARKS/ARGUMENTS

Claims 1, 6 and 8 were rejected under 35 U.S.C. 102(b) over Japanese patent publication 10-173737 (hereinafter "Emiko"). For the following reasons, the rejection is respectfully traversed.

Regarding claims 1 and 8, Emiko does not teach a portable cellular telephone comprising "a downloading means which downloads an *application software* corresponding to a music data format defined in connection with the music data from a remote server," as required. Emiko teaches selecting an incoming call tone and downloading selected music *data* from a central server. Emiko also teaches that a tone generating circuit generates the incoming call tone according to the downloaded music data. There is no teaching in Emiko that any *application software* corresponding to the music data is downloaded, as in claims 1 and 8.

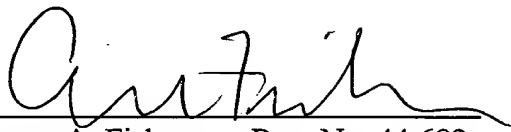
Regarding claim 6, Emiko does not teach a method of operating a portable cellular telephone comprising steps of "a user selecting an *application software* corresponding to a music data format defined in connection with the music data" and "downloading the *application software* from a remote server to the cellular phone," as required. For the reasons explained above with regard to claims 1 and 8, there is no teaching in Emiko that any *application software* corresponding to the music data is selected or downloaded, as in claim 6.

For the above reasons, the cited reference does not teach each and every limitation of the claims. Therefore, claims 1, 6 and 8, and their respective dependent claims 2-5, 7, 9 and 10 are not anticipated by Emiko and the rejection cannot be maintained.

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If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 32892.

Respectfully submitted,
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